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ADMITTED IN WY

September 9, 2016

John Corra
Chairman
Industrial Siting Council
Department of Environmental Quality
200 W. 17th Street, 4th Floor
Cheyenne, WY 82002

RE: Dkt. DEQ/ISC 97-02-Withdrawal of Request for
Hearing and Notice of Surrender of Permit

Dear Chairman Corra:

The purpose of this letter is to notify the Industrial Siting Council (ISC) that Two Elk Generation Partners, LP (Two Elk) is withdrawing its request for a hearing to contest the Industrial Siting Division's (ISD's) Petition to Revoke Permit. In addition, this letter will also serve as Two Elk's Notice of Surrender of Permit.

On June 27, 2016, the ISD sent a Notice of Request for Permit Revocation of Industrial Siting Permit DEQ/ISC 97-02 (Permit). On July 8, 2016, Two Elk requested a hearing before the ISC, which was referred to the Office of Administrative Hearings (OAH). The OAH issued an Order Setting Prehearing Conference on August 18, 2016.

Two Elk has no current plans to continue with the project permitted under DEQ/ISC 97-02 and hereby surrenders any rights it may have to construct, pursuant to that Permit. In the event Two Elk plans to proceed with coal-fired generation project at the site, as approved in the Permit, it understands that it would be obligated to apply for a new permit under the current statutory and regulatory framework.

John Corra
August 8, 2016
Page 2

Having elected to surrender the Permit and to relinquish any ongoing rights that may exist under the Permit, there is no need for a hearing in front of the ISC. Therefore, Two Elk withdraws its request for a hearing, dated July 8, 2016.

With this Notice of Surrender of Permit and Withdrawal of Request for Hearing, it is Two Elk's understanding that the ISC will have the authority to accept this Notice and close the case at its next scheduled meeting. As indicated below, a copy of this letter will be sent to all parties of record.

Best regards,

A handwritten signature in cursive script that reads "Mary A. Throne".

Mary A. Throne
Throne Law Office, P.C.

Cc: Industrial Siting Division
All other Parties of Record